

**48-101-501. Part definitions. —**

As used in this part, unless the context otherwise requires:

(1) “Charitable organization” means a group which is or holds itself out to be a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary organization, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety, or any person who solicits or obtains contributions solicited from the public for charitable purposes. A chapter, branch, area, office or similar affiliate or any person soliciting contributions within the state for a charitable organization which has its principal place of business outside the state shall be a charitable organization for the purposes of this part. “Charitable organization” does not include any authorized individual who solicits, by authority of the organization, solely on behalf of a registered or exempt organization, or on behalf of an organization excluded from the definition of charitable organization;

(2) “Commercial co-venturer” means any person who:

(A) Is organized for profit;

(B) Is regularly and primarily engaged in trade or commerce, other than in connection with soliciting for charitable or civic organizations or charitable purposes; and

(C) Conducts an advertised charitable sales promotion for a specified limited period of time;

(3) “Contributions” means the promise or grant of any money or property of any kind or value, including the payment or promise to pay in consideration of a sale, performance or show of any kind which is advertised or offered in conjunction with the name of any charity. “Contribution” does not include bona fide fees, dues or assessments paid by members; provided, that membership is not conferred solely as consideration for making a contribution in response to a solicitation;

(4) “Federated fund raising organization” means a federation of independent charitable organizations which have voluntarily joined together, including, but not limited to, a united fund or community chest, for purposes of raising and distributing money for and among themselves, and where membership does not confer operating authority and control of the individual agencies upon the federated group organization;

(5) “Knowingly” or “knowing” means actual awareness of the falsity or deception, but actual awareness may be inferred when objective manifestations indicate that a reasonable person would have known or would have reason to know of the falsity or deception;

(6) “Person” means any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them;

(7) “Professional fund raising counsel” means any person who, for compensation, plans, manages, advises, consults or prepares material for a charitable organization for the solicitation of contributions in this state, but who does not solicit contributions and does not employ, procure, or engage any person to solicit contributions on behalf of a charitable organization. “Professional fund raising counsel” does not include an attorney, investment counselor, or banker who in the conduct of such person's profession advises a client. “Professional fund raising counsel” does not include a bona fide salaried officer, employee, or volunteer of a charitable organization;

(8) “Professional solicitor” means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable organization, whether such solicitation is performed personally or through such person's agents, servants or employees or through agents, servants or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such person, or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. Any independent marketing agent or entity to whom a professional solicitor assigns fund raising or solicitation responsibilities shall be deemed to be a professional solicitor for purposes of this part. A salaried officer or permanent employee of a charitable organization is not deemed to be a professional solicitor. However, any salaried officer or employee of a charitable organization that engages in the solicitation of contributions for compensation in any manner for more than one (1) charitable organization is deemed a professional solicitor. A professional solicitor does not include an attorney, investment counselor, or banker who in the conduct of such person's profession advises a client;

(9) “Secretary of state” means the secretary of state or the secretary of state's authorized representative;

(10) “Solicit” or “solicitation” means any oral or written request, however communicated, whether directly or indirectly, for a contribution; and

(11) “Solicitee” or “donor” means any person from whom a charitable contribution or donation is solicited, directly or indirectly, by whatever means by any professional solicitor, a charitable organization or other person, whether any contribution is received in response to the solicitation.

(12) [Deleted by 2007 amendment.]

(13) [Deleted by 2007 amendment.]

[Acts 1976, ch. 735, § 1; T.C.A., § 48-2201; Acts 1989, ch. 285, §§ 1, 2; 1990, ch. 901, § 1; 1991, ch. 299, §§ 1, 2; 1993, ch. 252, § 12; 1994, ch. 667, §§ 1-5; T.C.A., § 48-3-501; Acts 1995, ch. 158, § 2; 1996, ch. 907, §§ 1-3; 2007, ch. 523, §§ 1-5.]

[◀ prev. doc](#) [next doc ▶](#)